

Application No: 15/5668M

Location: 20, CHAPEL LANE, WILMSLOW, CHESHIRE, SK9 5HX

Proposal: Demolition of 2 existing dwellings on 20 & 18a Chapel Lane and erection of block containing 12 apartments.

Applicant: Mr Craig Ainscough, Eventus Properties Limited

Expiry Date: 15-Mar-2016

## REASON FOR REPORT

The application has been called to Committee by the local Ward Member, Cllr Menlove, for the following reason:

*This is a radical redevelopment of the site on a significantly larger footprint and replaces two storey buildings with a three storey building. It will increase the traffic on an already busy road and the entrance/exit to the site is very near to a busy and dangerous junction. If the application were to be approved it should include S106 money to improve the junction and the pedestrian crossing there.*

## SUMMARY

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed market housing which would help in the Councils delivery of 5 year housing land supply.
- The development would make financial contributions to public open space in the local area.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon ecology and trees is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- There would not be a significant impact upon the character of the area.

- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the proposal are considered to be:

- An increase in the potential for overlooking of neighbouring gardens.

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but this is not beyond what would be expected in a residential area.

### **RECOMMENDATION**

**Approve subject to conditions and a s106 agreement**

### **PROPOSAL**

This application seeks full planning permission for the demolition of two existing dwellings the erection of block containing 12 apartments.

### **SITE DESCRIPTION**

The application site comprises two detached two-storey dwellings, detached outbuilding and surrounding gardens. There are a variety of building types and uses in the local area. The site located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

### **RELEVANT HISTORY**

No history relevant to the current proposal.

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

#### **Development Plan**

The Development Plan for this area is the 2004 Macclesfield Borough Local Plan. The relevant Saved Policies are:

NE11 relating to nature conservation; BE1 Design Guidance; H2 Environmental Quality in Housing Developments; H5 Windfall Housing Sites; H9 Affordable Housing; H13 Protecting

Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC35, DC36, DC37, DC38 relating to the layout of residential development; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

## **CONSULTATIONS**

**Head of Strategic Infrastructure** – No objections subject to appropriate visibility

**Environmental Health** - No objections subject to conditions relating to pile foundations, dust control, travel planning and electric vehicle infrastructure.

**Housing** - No objections

**Flood Risk Manager** – No objections subject to conditions relating to surface water

**United Utilities** - No objections subject to condition relating to foul and surface waters

**Wilmslow Town Council** – Recommend refusal on the grounds of its detrimental impact on the streetscene and overdevelopment of the site adversely impacting on neighbouring properties.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Wilmslow Express.

6 letters of representation have been received objecting to the proposal on the following grounds:

- Nothing to suggest that the immediate area, and the town itself, would be better served by the proposed redevelopment
- The existing apartment block on the adjacent site is alien to the local area.
- Proposal will impose further on the character of the area
- Overpowering to surrounding houses
- Overshadowing
- Precedent will be set
- SHMA 2013 suggests flats are not a popular choice
- Loss of privacy
- Loss of light
- Increased noise and pollution
- Impact on water table / drainage
- Light pollution
- Increased traffic congestion
- Construction noise and disruption
- Impact on wildlife
- Loss of two fine houses
- Loss of house value

1 further letter has been received that does not object to the proposal but raises concern about the traffic at the Chapel Lane / Bedells Lane junction. They would like some traffic calming measures to be considered.

## **APPRAISAL**

The key issues are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Impact upon trees of amenity value
- Highway safety

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / Character**

Paragraph 56 of the NPPF notes that “the Government attach great importance to the design of the built environment. Good Design is a key aspect of sustainable development, indivisible from good planning”.

Policy BE1 of the local plan requires new development to achieve the following design principles:

- Reflect local character
- Respect form, layout, siting, scale and design of surrounding buildings and their setting
- Contribute to a rich environment and add to the vitality of the area
- Be human in scale and not normally exceed 3 storeys
- Use appropriate facilities

The local area is characterised by a variety of buildings, which are predominantly two or three storeys. There are some larger buildings, such as the Wilmslow Unified Church, a relatively recent four storey building on the adjacent site on Chapel Lane, and the four storey building on the site of the former Council offices adjacent to the health centre currently being constructed.

The existing dwellings are not considered to be of any significant architectural merit. The proposed building will comprise three storeys and will be constructed in reclaimed Cheshire brick, natural stone and slate with hardwood windows. The proposal has been designed to reflect the character of the surrounding Victorian properties with features such as projecting bays, fenestration with a strong vertical emphasis and overhanging eaves with decorative timber brackets. The building will sit further forward in the site than the existing dwellings, however the position of these dwellings are something of an anomaly compared to the other properties along this section of Chapel Lane, which are set much closer to the road. The proposal will bring the building in line with these other residential buildings. For this reason and due to its increase in height from a maximum of 8.8 metres on 20 Chapel Lane to 11.8 metres, the building will be visible above and through the boundary vegetation. However, it

will be seen in the context of other multi-storey buildings including the immediately adjacent property. Whilst the footprint of the apartment building is larger than the two dwellings, the proposed development does not come as close to the side boundaries as the existing dwellings. The majority of the landscaping to the south and west boundaries can therefore be retained and will serve to filter views of the building from Hawthorn Street / Beddells Lane and Chapel Lane.

Overall, the proposal is not considered to have any significant impact upon the character of the area, and therefore complies with the requirements of policy BE1 of the local plan.

### **Trees**

The submitted Design and Access Statement identifies that there is significant tree cover and hedging to the south of the site along Chapel Lane and to the east along Bedells Lane which contribute to the visual quality and character of the street scene. Trees within the site are currently not protected by a Tree Preservation Order or lie within a Conservation Area, however the Arboricultural Statement has identified trees that are of such quality as to be a material consideration to the application

The proposal will require the removal of three low (C) category trees (a young Yew tree, Apple and Ornamental conifer) and a group of Cypress, Juniper Cherry and Holly (Group G2) within the centre of the site.

A further three moderate (B) category Holly trees (Group G1) located on the Chapel Lane frontage and adjacent to the existing access are proposed to be removed to accommodate the development. The removal of these three trees is considered acceptable given that their contribution to the wider amenity of the area is not significant.

The site contains a substantial Holly hedge located behind an existing wall along the Bedells Lane/Chapel Lane frontage, a short section of which will be required for removal to accommodate the widening of the existing access, and the provision of appropriate visibility splays.

Following initial concerns, the applicant has submitted additional information relating to the impact of the proposed driveway upon the RPAs of some of the retained trees and possible shading. Further comments from the Forestry Officer are awaited and will be reported in an update.

### **Ecology**

Recent bat surveys have been carried out and the report has been submitted to the Council. Comments from the nature conservation officer are awaited and will be reported in an update.

### **Residential Amenity**

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The existing dwellings are set back into the site coming within 4 metres of the rear boundary shared with the properties on Albert Road. The proposed layout shows the apartment building retaining between 13 and 14 metres to the rear boundary. Along the rear boundary there are outbuildings in the garden of number 20 and a very high wall (up to approximately 4 metres). There are also outbuildings in the gardens of 13 and 15 Albert Road and the south elevation of the dwelling known as the Coach House (between 11 and 13 Albert Road) also sits on the northern boundary of the application site.

With the exception of the Coach House the dwellings on Albert Road that back onto the application site are Victorian semi-detached properties which have accommodation in their roofspaces and as such are relatively tall buildings with heights of approximately 10.5 metres. The Coach House is much more compact structure with a height of approximately 5 metres.

The proposed apartment block retains approximately 28.5 metres to the main rear elevations and habitable room windows of the properties on Albert Road with the exception of the Coach House. 14 metres is retained to the blank gable wall of the Coach House. Policy DC38 of the local plan has a guideline distance of 32 metres between habitable rooms on three storey properties, and 16.5m is the guideline distance for a habitable room facing a blank gable. There is therefore some shortfall in the guideline distance.

Due to the boundary treatment and existing buildings close to the rear boundaries, the distance of the apartment building from neighbouring gardens and properties is not considered to result in an overbearing structure. Similarly, due to the proximity of the existing dwellings to the rear boundaries, the proposed apartment building will not result in a significantly greater impact upon the amount of light received by the neighbouring properties. In terms of privacy, the existing dwellings have habitable room windows on their rear elevation, however views from these of neighbouring properties are largely restricted by the intervening vegetation and structures. It is acknowledged that the increased height of the building will increase the potential for overlooking. However, given the fact that neighbouring gardens are overlooked by each other and the distances involved, any potential overlooking is considered to be at a level that would be expected in a residential area. The proposal is therefore not considered to have a significantly adverse impact upon the residential amenity of neighbouring properties.

Some noise and disruption from construction activities is unfortunately a temporary manifestation from the development process, and subject to the appropriate controls recommended by environmental health, the impact of the construction process upon neighbouring properties will be acceptable. Similarly, as the site is located in an urban area there will not be any significant light pollution arising from the proposal.

### **Accessibility**

The site is located on the edge of Wilmslow town centre, within very easy walking distance to the shops and services within the town centre. The site is therefore considered to be in a very accessible and sustainable location.

### **Highways**

The Strategic Infrastructure Manager has commented on the application and noted that increasing the number of dwellings on site from 2 to 12 represents a material intensification of

use and concerns were raised that the proposed site exit does not provide sufficient vehicle to vehicle and vehicle to pedestrian inter-visibility to be safe.

Revisions to the proposed access have therefore been negotiated and revised plans are awaited. Further details on this will be provided as an update. Adequate car parking is provided within the site, and no concerns are raised with regard to the extent of traffic generation from the site and any associated impact upon the local highway network. No further highway safety issues are therefore raised.

### **Flood Risk**

The Flood Risk Management team raises no objections to the proposal subject to conditions relating to the drainage and disposal of surface water.

## **SOCIAL SUSTAINABILITY**

### **Housing land supply**

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

### **Affordable Housing**

The IPS: Affordable Housing states that for settlements with a population of 3,000 or more affordable housing is required on developments which are for 15 dwellings or more, or are over 0.4ha.

This is an application for 12 apartments on a site of 0.22ha and as such does not trigger the requirement for affordable housing.

### **Education**

Comments from the education department are awaited and will be reported in an update.

### **Open Space**

Comments from ANSA are awaited. However, policy DC40 of the Local Plan and SPG on Planning Obligations requires 40sqm of public open space per family dwelling. Given the absence of open space on the site financial contributions will be required in lieu of on site provision at a rate of £1,500 per bed space in the apartments. As the apartments are all two-bed the financial contribution would be £3,000 per apartment.

In addition contributions towards off site provision of outdoor sport and recreation facilities in the local area will be required at a rate of £500 per apartment.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Wilmslow town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

## **RESPONSE TO OBJECTIONS**

With regard to the comments received in representation not addressed above, there is reference to the loss of house values, which is not a material planning consideration. The issue of a precedent being set is also raised, however all applications are assessed on their own merits, and future any applications on other sites will be assessed as such at that time.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required, and should include:

- £36,000 in lieu of on site public open space.
- £6,000 contribution towards outdoor sport and recreation in the local area

## **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The public open space contribution and recreation and outdoor sport contribution are fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

## **PLANNING BALANCE**

The site is located within a Predominantly Residential Area where the principle of redeveloping the site for residential purposes is acceptable. The Council cannot demonstrate a 5 year supply of deliverable housing sites and therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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The comments received in representation relating to material planning considerations have been considered in the preceding text. However, on the basis of the above, it is considered

that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. The potential for overlooking is increased but as noted above, this is not beyond what would be expected in a residential area. Accordingly the application is recommended for approval subject to conditions and the Heads of Terms listed above.

## **RECOMMENDATION**

**The application is recommended for approval**

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*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

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Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Details of the method, timing and duration of any pile driving operations to be submitted
5. Submission of construction method statement
6. Detailed design and associated management and maintenance plan of surface water drainage to be submitted
7. Detailed proposals for disposal of surface water to be submitted
8. Scheme to minimise dust emissions arising from demolition / construction activities to be submitted
9. Travel plan to be submitted
10. Electric vehicle infrastructure to be provided

11. Foul and surface water shall be drained on separate systems

